

281521
2018-2-6

WILLOUGHBY & HOEFER, P.A.
ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
BENJAMIN P. MUSTIAN**
CHAD N. JOHNSTON
ELIZABETH ZECK*
ELIZABETHANN LOADHOLT CARROLL
JOHN W. ROBERTS
R. WALKER HUMPHREY, II***
CHRISTOPHER M. CAMPBELL
ANDREW R. HAND****

ELIZABETH S. MABRY
JAMES PATRICK HUDSON
OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS
**ALSO ADMITTED IN WASHINGTON, D.C.
***ALSO ADMITTED IN CALIFORNIA
****ALSO ADMITTED IN NORTH CAROLINA

RECEIVED

JAN 29 2019

S.C. SUPREME COURT

OFFICES:

COLUMBIA

930 RICHLAND STREET
P.O. BOX 8416
COLUMBIA, SC 29202-8416

AREA CODE 803
TELEPHONE 252-3300
FAX 256-8062

CHARLESTON

133 RIVER LANDING DRIVE
SUITE 200
CHARLESTON, SC 29492

AREA CODE 843
TELEPHONE 619-4426
FAX 619-4430

January 29, 2019

RECEIVED

JAN 30 2019

PSC SC
CLERK'S OFFICE

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

Re: *South Carolina Coastal Conservation League, et al. v. South Carolina Public Service Commission, et al.*; Appellate Case No. 2018-001165

South Carolina Solar Business Alliance, LLC, v. South Carolina Coastal Conservation League, et al.; Appellate Case No. 2018-002117

Dear Mr. Shearouse:

On behalf of South Carolina Electric & Gas Company, enclosed for filing, please find the original and six (6) copies of a Joint Motion for Consolidated Briefing Schedule. You will also find enclosed our check in the amount of \$50.00 for the filing fee.

Please acknowledge receipt of the enclosed documents by file stamping the extra copy of same and returning it to me via my courier.

If you have any questions or need additional information, please do not hesitate to contact me.

[SIGNATURE PAGE FOLLOWS]

The Honorable Daniel E. Shearouse
January 29, 2019
Page 2 of 2

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



Benjamin P. Mustian

BPM/eec
enclosures

cc: Alexander G. Shissias, Esquire
Andrew M. Bateman, Esquire
Richard L. Whitt, Esquire
Jenny R. Pittman, Esquire
J. Blanding Holman, IV, Esquire
Scott Elliott, Esquire
Timothy F. Rogers, Esquire
Benjamin L. Snowden, Esquire
Damon E. Xenopoulos, Esquire
The Honorable Jocelyn Boyd, Clerk for the SC Public Service Commission

RECEIVED

JAN 29 2019

THE STATE OF SOUTH CAROLINA
In the Supreme Court

S.C. SUPREME COURT

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Appellate Case Nos. 2018-001165 and 2018-002117

Public Service Commission Docket No. 2018-2-E

South Carolina Coastal Conservation League and
Southern Alliance for Clean Energy,.....Appellants,

v.

South Carolina Public Service Commission, South Carolina
Electric & Gas Company, CMC Steel South Carolina, South
Carolina Energy Users Committee, South Carolina Solar
Business Alliance, LLC, Southern Current, LLC, and South
Carolina Office of Regulatory Staff,Respondents;

and

South Carolina Solar Business Alliance, LLC,Appellants,

v.

South Carolina Coastal Conservation League, Southern Alliance for Clean
Energy, South Carolina Public Service Commission, South Carolina
Electric & Gas Company, CMC Steel South Carolina, South Carolina
Energy Users Committee, Southern Current, LLC, and South Carolina Office
of Regulatory Staff,

Of whom, South Carolina Electric & Gas Company and South Carolina
Office of Regulatory Staff areRespondents.

JOINT MOTION FOR A CONSOLIDATED BRIEFING SCHEDULE

Appellants South Carolina Coastal Conservation League and Southern Alliance for Clean Energy (collectively, "CCL/SACE"), South Carolina Solar Business Alliance, LLC ("SCSBA"), and Respondent South Carolina Electric & Gas Company ("SCE&G") (collectively, the "Joint Movants"), pursuant to Rules 206 and 240, SCACR, hereby jointly move this Court to establish a consolidated briefing schedule for the above-referenced appeals. In support of this motion, the Joint Movants would respectfully show the following:

1. The above-captioned proceedings arise out of separate notices of appeal from a determination in the same contested case filed by multiple Appellants. Specifically, CCL/SACE and SCSBA have separately sought review of determinations of the Public Service Commission of South Carolina ("Commission") in a contested case proceeding pursuant to S.C. Code Ann. §§ 58-27-865 and 58-39-140 (2015). The underlying proceeding involved a review of the fuel purchasing practices and policies of SCE&G, a determination as to whether an adjustment in SCE&G's fuel cost recovery factors is necessary and reasonable, and a determination as to whether an increase or decrease should be granted in the fuel cost component to recover the incremental and avoided costs incurred by SCE&G to implement a Distributed Energy Resource program.¹

2. CCL/SACE filed their joint initial brief and designation of matter in Appellate Case No. 2018-001165 with the Court on January 11, 2019.

¹ On December 14, 2018, SCE&G also moved this Court to consolidate these two appeals. As noted therein, none of the parties appellant or respondent oppose the consolidation of these appeals.

3. SCE&G's initial brief and designation of matter to be filed in Appellate Case No. 2018-001165 currently is due on February 11, 2019.

4. By letter dated January 4, 2019, Appellant SCSBA notified the Court that it had received the transcript from the below proceedings on January 2, 2019. Pursuant to Rule 208(a)(1), SCACR, Appellant SCSCBA's initial brief and designation of matter to be filed in Appellate Case No. 2018-002117 currently is due on February 1, 2019. By letter dated January 28, 2019, counsel for SCSBA requested an extension of time until March 4, 2019, within which SCSBA may file its initial brief and designation of matter.

5. The Joint Movants have consulted regarding these matters and respectfully submit that establishing a consolidated briefing schedule for the remaining briefs to be filed in these matters would promote judicial economy in that it would permit all of the issues to be presented in an orderly manner and potentially avoid the need to brief duplicative issues.

6. Accordingly, the Joint Movants respectfully request that the Court establish a consolidated briefing schedule in these matters and propose the following schedule for the Court's consideration:

March 4, 2019	Appellant SCSBA's Initial Brief and Designation of Matter
April 3, 2019	Respondents' Initial Briefs and Designations of Matter in Response ²
April 22, 2019	Appellants CCL/SACE and SCSBA's Initial Reply Brief

² Accordingly, if granted, SCE&G's initial brief and designation of matter in Appellate Case No. 2018-001165 would be extended to April 3, 2019.

May 22, 2019 Record on Appeal

June 11, 2019 Final Briefs

7. This proposed schedule reflects CCL/SACE’s request for an extension of time within which Appellants otherwise would be required to file their initial reply briefs pursuant to Rule 208(a)(3), SCACR. CCL/SACE submits that such an extension of time is necessitated because the reply deadline now overlaps with planned family leave time for CCL/SACE’s attorneys of record.

8. The Joint Movants also request that this schedule be subject to further modification upon motion and for good cause shown.

9. The Joint Movants have consulted with the other parties of record to these appeals and are advised that Southern Current, LLC, the South Carolina Energy Users Committee, and the South Carolina Office of Regulatory Staff consent to this request. CMC Steel South Carolina also has advised that it takes no position on this request.

WHEREFORE, having fully set forth its motion, the Joint Movants move the Court to issue an order establishing a consolidated briefing schedule in Appellate Case Nos. 2018-001165 and 2018-002117, and for such other and further relief as may be just and proper.

[SIGNATURE PAGES FOLLOW]

Respectfully submitted,

J. Blanding Holman, IV Esquire
**SOUTHERN ENVIRONMENTAL
LAW CENTER**
463 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 720-5270
bholman@selcsc.org

*Attorney for South Carolina Coastal
Conservation League and Southern
Alliance for Clean Energy*

K. Chad Burgess, Esquire
Matthew Gissendanner, Esquire
Mail Code C222
220 Operation Way
Cayce, SC 29033-3701
Telephone: (803) 217-8141
chad.burgess@scanna.com
matthew.gissendanner@scana.com



Mitchell Willoughby, Esquire
John M.S. Hoefler, Esquire
Benjamin P. Mustian, Esquire
WILLOUGHBY & HOEFER, P.A.
930 Richland Street (29201)
PO Box 8416
Columbia, SC 29202-8416
Phone: (803) 252-3300
mwilloughby@willoughbyhoefler.com
jhoefler@willoughbyhoefler.com
bmustian@willoughbyhoefler.com

Richard L. Whitt, Esquire
Timothy F. Rogers, Esquire
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 203
Columbia, SC 29201
Telephone: (803) 256-4000
rlwhitt@austinrogerspa.com
tforgers@austinrogerspa.com

Benjamin L. Snowden, Esquire
**KILPATRICK TOWNSEND &
STOCKTON LLP**
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1700
bsnowden@kilpatricktownsend.com

*Attorneys for Respondent South Carolina
Electric & Gas Company*

*Attorneys for South Carolina Solar
Business Alliance, LLC*

Columbia, South Carolina
January 29, 2019

Respectfully submitted,

J. Blanding Holman IV ^{w/express permission}
EAS

J. Blanding Holman, IV Esquire
**SOUTHERN ENVIRONMENTAL
LAW CENTER**
463 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 720-5270
bholman@selcsc.org

*Attorney for South Carolina Coastal
Conservation League and Southern
Alliance for Clean Energy*

Richard L. Whitt, Esquire
Timothy F. Rogers, Esquire
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 203
Columbia, SC 29201
Telephone: (803) 256-4000
rlwhitt@austinrogerspa.com
tfrogers@austinrogerspa.com

Benjamin L. Snowden, Esquire
**KILPATRICK TOWNSEND &
STOCKTON LLP**
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1700
bsnowden@kilpatricktownsend.com

*Attorneys for South Carolina Solar
Business Alliance, LLC*

Columbia, South Carolina
January 29, 2019

K. Chad Burgess, Esquire
Matthew Gissendanner, Esquire
Mail Code C222
220 Operation Way
Cayce, SC 29033-3701
Telephone: (803) 217-8141
chad.burgess@scanna.com
matthew.gissendanner@scana.com

Mitchell Willoughby, Esquire
John M.S. Hoefler, Esquire
Benjamin P. Mustian, Esquire
WILLOUGHBY & HOEFER, P.A.
930 Richland Street (29201)
PO Box 8416
Columbia, SC 29202-8416
Phone: (803) 252-3300
mwilloughby@willoughbyhoefler.com
jhoefler@willoughbyhoefler.com
bmustian@willoughbyhoefler.com

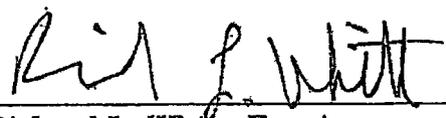
*Attorneys for Respondent South Carolina
& Electric & Gas Company*

Respectfully submitted,

J. Blanding Holman, IV Esquire
Elizabeth A. Jones, Esquire
**SOUTHERN ENVIRONMENTAL
LAW CENTER**
463 King Street, Suite B
Charleston, SC 29403
Telephone: (843) 720-5270
bholman@selcsc.org
ejones@selcsc.org

K. Chad Burgess, Esquire
Matthew Gissendanner, Esquire
Mail Code C222
220 Operation Way
Cayce, SC 29033-3701
Telephone: (803) 217-8141
chad.burgess@scanna.com
matthew.gissendanner@scana.com

*Attorneys for South Carolina Coastal
Conservation League and Southern
Alliance for Clean Energy*



Richard L. Whitt, Esquire
Timothy F. Rogers, Esquire
AUSTIN & ROGERS, P.A.
508 Hampton Street, Suite 203
Columbia, SC 29201
Telephone: (803) 256-4000
rlwhitt@austinrogerspa.com
tfrogers@austinrogerspa.com

Mitchell Willoughby, Esquire
John M.S. Hoefler, Esquire
Benjamin P. Mustian, Esquire
WILLOUGHBY & HOEFER, P.A.
930 Richland Street (29201)
PO Box 8416
Columbia, SC 29202-8416
Phone: (803) 252-3300
mwilloughby@willoughbyhoefler.com
jhoefler@willoughbyhoefler.com
bmustian@willoughbyhoefler.com

*Attorneys for Respondent South Carolina
Electric & Gas Company*

Benjamin L. Snowden, Esquire
**KILPATRICK TOWNSEND &
STOCKTON LLP**
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1700
bsnowden@kilpatricktownsend.com

*Attorneys for South Carolina Solar
Business Alliance, LLC INC.*

Columbia, South Carolina
January 29, 2019

RECEIVED

JAN 29 2019

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Appellate Case Nos. 2018-001165 and 2018-002117

Commission Docket No. 2018-2-E

South Carolina Coastal Conservation League and
Southern Alliance for Clean Energy,Appellants,

v.

South Carolina Public Service Commission, South Carolina
Electric & Gas Company, CMC Steel South Carolina, South
Carolina Energy Users Committee, South Carolina Solar
Business Alliance, LLC, Southern Current, LLC, and South
Carolina Office of Regulatory Staff,Respondents.

and

South Carolina Solar Business Alliance, LLC,Appellants,

v.

South Carolina Coastal Conservation League, Southern Alliance for Clean
Energy, South Carolina Public Service Commission, South Carolina
Electric & Gas Company, CMC Steel South Carolina, South Carolina
Energy Users Committee, Southern Current, LLC, and South Carolina Office
of Regulatory Staff,

Of whom, South Carolina Electric & Gas Company and South Carolina
Office of Regulatory Staff areRespondents.

CERTIFICATE OF SERVICE

This is to certify that I, a Legal Assistant with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of Respondent South Carolina Electric & Gas Company's **Joint Motion for Consolidated Briefing Schedule** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

J. Blanding Holman, IV, Esquire
Southern Environmental Law Center
463 King Street - Suite B
Charleston, SC 29403
(Counsel for South Carolina Coastal Conservation League and Southern Alliance for Clean Energy)

Alexander G. Shissias, Esquire
The Shissias Law Firm, LLC
1727 Hampton Street
Columbia, SC 29201
(Counsel for CMC Steel South Carolina)

Benjamin L. Snowden, Esquire
Kilpatrick Townsend & Stockton, LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
(Counsel for South Carolina Solar Business Alliance, LLC)

Richard L. Whitt, Esquire
Austin & Rogers, P.A.
508 Hampton Street, Suite 300
Columbia, SC 29201
(Counsel for South Carolina Solar Business Alliance, LLC and South Current, LLC)

Timothy F. Rogers, Esquire
Austin and Rogers, P.A.
Post Office Box 11716
Columbia, SC 29201
(Counsel for South Carolina Solar Business Alliance, LLC and South Current, LLC)

Scott Elliott, Esquire
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, SC 29201 SC 29201
(Counsel for South Carolina Energy Users Committee)

Andrew M. Bateman, Esquire
Jenny R. Pittman, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
(Counsel for South Carolina Office of Regulatory Staff)

Damon E. Xenopoulos, Esquire
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson St, NW
8th Floor, West Tower
Washington, DC 20007

The Honorable Jocelyn Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210
(Clerk for South Carolina Public Service Commission)


Emily E. Cartwright

Columbia, South Carolina
This 29th day of January, 2019.